

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA.

PLAINTIFF,

v.

Civil No. 3:16–CV–489–WHB–JCG

HINDS COUNTY ET AL.,

DEFENDANTS,

J.H. AND DISABILITY RIGHTS
MISSISSIPPI,

INTERESTED PARTIES.

MOTION FOR STATUS AS INTERESTED PARTIES

J.H. and Disability Rights Mississippi (“Henley-Young Plaintiffs”), are class representatives in the lawsuit *J.H. et al., v. Hinds County, Mississippi*, which challenged the conditions of confinement at Henley-Young Juvenile Detention Center (“Henley-Young”). *See* No. 3:11–cv–327–DPJ–FKB. The Henley-Young Plaintiffs are currently protected by a court-monitored consent decree. *Id.* No. 64 (S.D. Miss., March. 25, 2016). Since September 2017, children charged in circuit court as adults (“Youthful Detainees”) in circuit court, who were previously detained at the Raymond Detention Center, have been detained at Henley-Young. The Amended Consent Decree in the Henley-Young suit defines “youth” as “individuals confined at Henley-Young.” *J.H.*, 3:11–cv–327, No. 64 at 3 (Mar. 25, 2016). Accordingly, the Youthful Detainees housed at Henley-Young are members of the class in the instant case as well as in *J.H. et al. v. Hinds County, Mississippi*. The interests protected by the consent decree in *J.H.* overlap with the interests of Youthful Detainees protected by the consent decree in the above-numbered case.

Accordingly, the Henley-Young Plaintiffs respectfully request to be added to the docket in the instant case as Interested Parties.

The Henley-Young Lawsuit

1. On June 1, 2011, the Henley-Young Plaintiffs filed suit against Hinds County, Mississippi, challenging the conditions of confinement at Henley-Young Juvenile Justice Center. *J.H.*, 3:11-cv-327, No. 1. In March 2012, the parties entered into a consent decree setting forth specific obligations related to the operation of Henley-Young; this consent decree was extended in April 2014. *Id.*, No. 50 (Apr. 25, 2014). On March 9, 2016, the parties jointly moved to enter into an Amended Consent Decree; this agreement extended certain provisions of the original Consent Decree and eliminated others. *Id.*, No. 63 (March 9, 2016.) The Amended Consent Decree was approved by the Court on March 25, 2016. *Id.*, No. 64 (Mar. 25, 2016). The Court will retain jurisdiction over the current Amended Consent Decree concerning the Henley-Young Plaintiffs until at least March 28, 2018. *Id.*

The Hinds County Lawsuit

2. On June 23, 2016, the Department of Justice filed suit against Hinds County, the Hinds County Board of Supervisors, and the Hinds County Sheriff, Victor Mason, (“Hinds County”), challenging the conditions of confinement in the Hinds County Jail System. *See* Dkt. No. 1. On July 19, 2016, the United States and Hinds County entered into a Consent Decree, which included provisions requiring Hinds County to institute measures to protect the rights of Youthful Detainees in the Hinds County Jail System.¹ *See* Dkt. No. 8–1 at § K. On August 23, 2017, the court-appointed Monitoring Team in the instant case issued their Second Monitors’ Report, noting that Hinds County was non-compliant with several sections of the Consent Decree

¹ The Settlement Agreement in the instant suit defines youths as “any person in County custody who is under the age of 18.” Dkt. No. 8–1 ¶ 34.

related to Youthful Detainees, particularly because Hinds County had not yet determined where it would house the Youthful Detainees. Dkt. No. 16 at 43–50.

3. In October 2017, undersigned counsel became aware that Hinds County was housing Youthful Detainees at Henley-Young and had been since early September 2017.

4. On Friday, October 20, 2017, counsel for the Henley-Young Plaintiffs attended an exit meeting held by the parties in the instant suit. Jim Moeser, the juvenile justice monitor for the Hinds County suit, noted that Hinds County has begun transferring Youthful Detainees from the Hinds County Jail System to Henley-Young, and that plans have been made to continue transferring all Youthful Detainees currently housed in the Hinds County Jail System to Henley-Young. Youthful Detainees at Henley-Young are members of the Henley-Young Plaintiff class and the County must meet the requirements of the Amended Consent Decree for all members of the class.²

5. Since the Monitors' last visit, there have been two status conferences before the Court. The first occurred on October 25, 2017; the second on December 5, 2017. *See* Minute Entries for Oct. 25, 2017, and Dec. 5, 2017. The next status conference is scheduled for March 8, 2017. Minute Entry for Oct. 25, 2017.

6. Due to the overlap between the two court-monitored agreements, class counsel for the Henley-Young Plaintiffs has an interest in being made aware of further developments in the instant suit regarding the Youthful Detainees, particularly because these the Youthful Detainees are also Henley-Young Plaintiffs as long as they remain at Henley-Young.

7. Accordingly, the Henley-Young Plaintiffs respectfully request to be added to the docket as Interested Parties in the above-numbered lawsuit, to ensure that they are apprised of

² As stated above, the Amended Consent decree defines “youth” as “individuals confined at Henley-Young.” *J.H.*, Dkt. No. 64 at 3 (Mar. 25, 2016).

developments in the instant case and to ensure they have an appropriate means to inform the parties and the Court of information related to the Youthful Detainees at Henley-Young. The undersigned counsel requests that Jody Owens II, Elissa Johnson, and Paloma Wu are added to the docket as representing the Henley-Young Plaintiffs as interested parties.

8. Due to the nature of this motion, Movants respectfully request that the Court waive the requirement for an accompanying memorandum.

Dated this 18th day of December 2017.

Respectfully submitted,

/s/ Elissa Johnson

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CERTIFICATE OF SERVICE

I, Elissa Johnson, one of the attorneys for the Movants, hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED this 18th day of December, 2017.

/s/ Elissa Johnson
Elissa Johnson, MSB No. 103852